



# UNITED STATES PATENT AND TRADEMARK OFFICE

CTD

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/769,684

01/30/2004

Sergio P. Bonilla

SJO920030093US1

9136

46917

7590

09/15/2006

KONRAD RAYNES & VICTOR, LLP.

ATTN: IBM37

315 SOUTH BEVERLY DRIVE, SUITE 210  
BEVERLY HILLS, CA 90212

EXAMINER

HARPER, LEON JONATHAN

ART UNIT

PAPER NUMBER

2166

DATE MAILED: 09/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/769,684

Applicant(s)

BONILLA ET AL.

Examiner

Leon J. Harper

Art Unit

2166

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 10/12/2005
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This office action is in response to application 10769684 filed on 1/30/2004.

Claims 1-33 are pending.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Delphi 4 Unleashed Chapter 3 (hereinafter Polymorphism)(art of record) in view of US 20040039745 (hereinafter Evans).

As for claim 1 Polymorphism discloses: receiving a request implemented via at least one device independent class (See page 4 lines 22-25 note: "DrawIt" this method

is called without respect to child class); traversing a class hierarchy database to determine at least one device specific class that corresponds to the at least one device independent class (See page 4 lines 21-23 note: function call traverses to find out which child function it needs to call), and modifying the received request, wherein in the modified request the least one device independent class has been translated to the at least one device specific class (See page 5 lines 5-9 method is called in terms of parent and is translated then executed with respect to the child class).

While Polymorphism does not differ substantially from the claimed invention the disclosure of wherein the class hierarchy database stores a class hierarchy and associations between classes is not necessarily explicit. Evans however, does disclose wherein the class hierarchy database stores a class hierarchy and associations between classes (See abstract and paragraphs 0008, 0011). It would have been obvious to an artisan of ordinary skill in the pertinent art to have incorporated principals of Polymorphism into the system of Evans. The modification would have been obvious because Evans is based on and uses the principals of Polymorphism. Evans is a system for associating classes (See title). While Evans deals mainly with CIM, Evans uses inheritance in order to achieve this associating (See paragraph 0175). However given that inheritance and polymorphism is known in the art Evans does not disclose the underlying implementation of polymorphism.

As for claim 2 the rejection of claim 1 is incorporated, and further Evans discloses: mapping at least one device independent class attribute to at least one device specific class attribute in the modified request (See paragraph 0177); mapping at least one device independent property to at least one device specific property in the modified request; generating a device specific request from the modified request (See paragraph 0175), in response to mapping the at least one device independent class attribute and the at least one device independent property; and sending the device specific request to a managed device (See paragraph 0191).

As for claim 3, the rejection of claim 1 is incorporated, and further Evans discloses: modifying the received request to include at least one association between device specific classes in the class hierarchy (See paragraph 0211).

As for claim 4, the rejection of claim 1 is incorporated, and further Polymorphism discloses: wherein the received request indicates a source class and a requested class, the operations further comprising (See page 6 note: and child request is made to functions from the parent class): determining a specific association between a first device specific class that corresponds to the source class and a second device specific class that corresponds to the specific class (See page 5 paragraph 2). While Evans discloses: wherein the specific association corresponds to a managed device (See paragraph 0181).

As for claim 5, the rejection of claim 4 is incorporated, and further Evans discloses: wherein the source class represents storage pools and the requested class represents storage volumes corresponding to a storage pool (See paragraph 0178).

As for claim 6, the rejection of claim 1 is incorporated, and further Evans discloses: determining a first device specific class from the class hierarchy database, wherein the first device specific class has a specific association with a second device specific class that corresponds to the indicated source class, and wherein the specific association corresponds to the base association (See paragraph 0011).

As for claim 7, the rejection of claim 1 is incorporated, and further Evans discloses: generating a device specific request in a device specific language; and sending the device specific request in the device specific language to a managed device coupled to the proxy (See paragraph 0159).

As for claim 8, the rejection of claim 1 is incorporated, and further Evans discloses: wherein the request is received from a Common Information Model application, and wherein the at least one device independent class is specified by a Common Information Model schema (See paragraph 0175).

As for claim 9, the rejection of claim 1 is incorporated, and further Evans discloses: a command that is part of an object oriented management schema for

Art Unit: 2166

managing non-homogeneous devices in a network environment (See paragraph 0190).

As for claim 10, the rejection of claim 9 is incorporated, and further Evans discloses: wherein the management schema comprises the Common Information Model (See paragraph 0175).

Claims 11-20 are method claims corresponding to article of manufacture claims 1-10 respectively and are thus rejected for the same reasons as set forth in the rejection of claim 1-10.

Claims 21-30 are system claims corresponding to article of manufacture claims 1-10 respectively and are thus rejected for the same reasons as set forth in the rejection of claim 1-10.

Claims 31-33 are system claims corresponding to article of manufacture claims 1,2,4 respectively and are thus rejected for the same reasons as set forth in the rejection of claim 1,2,4.


### Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leon J. Harper whose telephone number is 571-272-0759. The examiner can normally be reached on 7:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LJH  
Leon J. Harper  
September 11, 2006

  
MOHAMMAD ALI  
PRIMARY EXAMINER